

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TADESSE BEYENE,	)	
	)	8:05cv91
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
	)	
FARMLAND FOODS, INC.,	)	
	)	
	)	
Defendant.	)	

This matter is before the court on filing no. 6, a notice by the U.S. Marshal that the summons on Farmland Foods, Inc. has been returned executed. However, also included within filing no. 6 is a letter dated March 22, 2005 from Lori Plummer, Administrative Coordinator of Farmland Foods, Inc., stating that the company actually served by the Marshal is not the company for whom the plaintiff previously worked. Therefore, it appears that the plaintiff has served the wrong party.

The Clerk of Court shall send a copy of this Order and of all of filing no. 6, including the letter of March 22, 2005 from Ms. Plummer, to the plaintiff, together with a new summons form and Form 285. The plaintiff shall initiate service of process on the correct defendant in the manner set forth below.

IT IS THEREFORE ORDERED:

1. The Clerk of Court shall again send the plaintiff one summons and one Form 285.
2. The plaintiff shall complete the forms for service of process on the defendant and shall return the completed forms to the court by May 31, 2005.
3. When the plaintiff returns the completed forms to the Clerk of Court, the Clerk shall sign the summons, to be forwarded, together with a copy of the complaint, to the U.S. Marshal for service of process. The Marshal shall serve the summons and complaint without payment of costs or fees. Service may be by certified mail pursuant to Fed. R. Civ. P. 4 and Nebraska law in the discretion of the Marshal.
4. If the forms are not returned to the Clerk of Court by May 31, 2005, the Clerk shall bring this case to the attention of the court.

5. A defendant has twenty (20) days after receipt of the summons to answer or otherwise respond to the complaint.

6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court in the prosecution of this case.

7. The plaintiff shall keep the court informed of his current address at all times while this case is pending. Failure to do so could result in dismissal of this case.

DATED this 13<sup>TH</sup> day of May, 2005.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge